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# **Facilitating collaboration in eGovernment: the European Union Public Licence**

**Gavino Murgia**  
**IDABC Programme**  
**Directorate-General for Informatics (DIGIT)**  
**European Commission**





# IDABC ... in a few words

**IDABC** stands for ...

Interoperable **D**elivery  
of pan-European eGovernment Services  
to Public **A**ministrations, **B**usinesses and **C**itizens

**IDABC** is ...

a programme of the European Commission;  
2005-2009; 130 millions Euro total budget

**IDABC** works ...

in close cooperation with the **PEGSCO** (**P**an-**E**uropean  
e**G**overnment **C**ommittee) that is composed by experts from  
all Member States

# OSS at the European level

- European public administrations were among the **early users** of OSS (1990s). The European Commission took up the issue around 2000. Since then it **initiates, sponsors and manages** projects that further OSS, deal with the OSS **usage and the benefits** of using OSS for the Information Society at large.
- Support at policy level came early, but varies in scope over the time and depending on the context.



# Why does IDABC promote OSS in Public Administrations?

Apart from all other good and well-known reasons such as avoiding vendor lock-in etc., because ...:

- Development methods and the legal framework of OSS (licences) fit well (better than anything else) to the requirements of cross-border **collaboration** and sharing that are put forward in the i2010 Initiative.
- European administrations produce many **customised applications** to support their business processes.
  - These are similar and **can be reused** in localised versions.
  - Why should the tax payer pay twice for the same?
- OSS is a key element in implementing **interoperability** and **open standards**



# OSS activities of IDABC (formerly of IDA)

## IDABC is funding and/or implementing:

- Projects to create awareness and promote knowledge on OSS in public administrations à **Open Source Observatory** featuring international news on the IDABC Website (OSO)
- Projects building applications using OSS that now are distributed under the EUPL v 1.0 à **CIRCA, IPM**
- Projects producing **practical advice** for public administrations à studies that lead to the creation of the EUPL and its linguistic versions / newest: „**A Guideline on how to use the EUPL**“
- Projects facilitating the collaboration between Member States' administrations and their partners à to start in June 2008: the **IDABC Open Source Observatory and Repository (OSOR)**

<http://ec.europa.eu/idabc/oso>

# Why create a European Licence?

- The **European Union Public Licence (EUPL)** is not a goal in itself, but a means to achieve policy objectives that have been defined in the context of the **Lisbon Agenda** and the related **i2010 Initiative**
- It has been created to facilitate OSS activities of the Commission in the context of the previously mentioned policy programmes
- It was considered that previously existing licences did not meet the Commission's needs.



# EUPL: underlying motivations

- IDA and IDABC's need **to share its eGovernment applications** (CIRCA, IPM etc) with Member State administrations and other partners led in 2003 first to studies on OSS licences that would be adequate for the use by the Commission;

<http://ec.europa.eu/idabc/en/document/5425/5980>

- As a consequence the EUPL was created to enable IDABC to release its software as Open Source;
- The IDA(BC) studies showed that **European administrations in Member States have similar needs** → the production of linguistic versions in official European languages responds to that;

<http://ec.europa.eu/idabc/eupl>

- **The licence can be used by everybody:** administrations, businesses, and citizens.

# 1st Step: assessing the existing licenses

- Open Source Licensing of software developed by The European Commission: report of 16 December 2004 – *Unisys/CRID*
- Analysis of the following licenses
  - **GPL 2.0 (+ LGPL)**
  - **BSD**
  - **OSL 1.1**
  - **Mozilla PL 2.1**
  - **Cecill: GPL-inspired French FOSS license (French law)**





# The approximate EU-compliance of existing licenses

- GPL 2.0 was the most interesting for several reasons
  - Covers more than 2/3 of the existing FLOSS
  - Copyleft license
  - Widespread / strong developers community
- However
  - Drafted under the law of the USA
  - Unwanted effects / Legal uncertainties
  - No possibility to modify the license or adapt it to EU law
  - English only license (no official translations)

## 2d Step: adapting an existing license ?

- Pros
  - Already known and used license
  - Tailored to EU needs and requirements
- Cons
  - The adaptation of main FOSS licenses require the authorisation of their authors
  - Absence of a complete freedom to adapt / modify the license



## 3d Step: creating a new EU-oriented FOSS License (EURL)

- **Pros**

- Drafted under EU law
- Customized to meet the Commission's needs
- Total control on the license
  - Evolution and upgrades
  - Official translations
  - Copyright in the license

- **Cons**

- Creating a new license = contributing to the « licenses proliferation » issue
- Acceptation by the open source developers community
- Compatibility issues

# What are the rights given by EUPL?

A world-wide, royalty-free, non-exclusive right to:

- Obtain the source code from a free access repository
- Use the Work in any circumstance and for all usage
- Reproduce the Work
- Modify the Original Work, and make Derivative Works
- Communicate it to the public
- Distribute the Work or copies thereof
- Lend and rent the Work or copies thereof
- Sub-license rights in the Work or copies thereof

# Obligations of licensee

- Respect the Copyright of the original author (and of subsequent contributors in any) in particular all mentions related to it.
- Apply the same EUPL licence in case of distribution of copies or of derivated works\*
  - \* except if the use of a compatible copyleft licence is compulsory.
- In case of distribution of a derivated work, communicate the modified source code from a free access repository.
- Avoid all unauthorised use of the previous authors intellectual property: names, logos, trademarks, service marks etc.
- To comply with liability principles in applicable national laws



## 4th Step: Ensuring the compatibility of the EUPL

- Report on compatibility issue and solutions (CRID - oct. 2006)
- Compatibility provision (added in EUPL V0.2 Draft Version)
- Annex of compatible licenses (added in EUPL v1.0)



# Adoption of the EUPL V1.0

- Following extensive public consultation
- EUPL adopted by the European Commission on **9 Jan. 2007**: Decision C(2006) 7108
- Released in 3 languages :
  - French
  - English
  - German
- **CIRCA and IPM software released under EUPL V1.0 on Feb. 2007**



## 5th Step: adapting the license to national laws and language

- **Translation** of the license into the 20 other official languages of the EU.
  - First translation made by the EC translation services
    - Reviewed by national experts
- Process of national porting of the licenses
  - Adaptation to national language
  - Adaptation to national laws



# What makes the EUPL unique?

- For the first time a public administration of the size of the European Commission publishes a copyleft OS licence.
- EUPL will have original value in EU 22 official languages.
- EUPL considers the Member States Law and the Community Law (copyright terminology, information, warranty, liability, applicable law and jurisdiction).
- Downstream compatibility issues with the most relevant other copyleft licenses is facilitated. List includes:
  - General Public License (GPL) v. 2
  - Open Software Licence (OSL) v. 2.1 & v. 3.0
  - Common Public Licence v. 1.0
  - Eclipse Public Licence v. 1.0
  - CeCILL v. 2.0

## Next steps: revising the EUPL ?

- Considering the **upgrading** of the license
- The translation work raised new issues about the drafting and some effects of the license under different national laws
- Updating the compatibility list (GPL3 ?)
- Addressing other specific issues (asp, version clause,...)

⇒ **CONCLUSION : ongoing process**

## **Contact:**

**Gavino Murgia**

**IDABC Programme  
DG for Informatics  
European Commission**

**<http://ec.europa.eu/idabc>  
[gavino.murgia@ec.europa.eu](mailto:gavino.murgia@ec.europa.eu)**

